

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

JAMES E. HOWARD, Chapter 11 Trustee,)	
Bangor & Aroostook Railroad Company and)	
Van Buren Bridge Company)	
)	
Plaintiff,)	
)	
v.)	Civil No. 03-284-P-S
)	
CANADIAN NATIONAL RAILWAY COMPANY)	
et al.,)	
)	
Defendants.)	
)	

ORDER PURSUANT TO FED. R. CIV. P. 41(a)(2)

In consideration of Plaintiff's Motion for the Voluntary Dismissal of Counts I, II and IV through X of Plaintiff's Complaint Without Prejudice Pursuant to Fed. R. Civ. P. 41(a)(2), the Court hereby orders that Counts I, II and IV through X of the Plaintiff's Complaint be voluntarily dismissed without prejudice pursuant to Fed. R. Civ. P. 41(a)(2) with each party bearing its own costs and fees.

Having previously dismissed Count III of Plaintiff's Complaint for failure to state a claim upon which relief can be granted pursuant to Fed. R. Civ. P. 12(b)(6), the Court hereby orders judgment in favor of defendants on all counts of Plaintiff's Complaint, said judgment constituting a final order for the purposes of appeal.

/s/ George Z. Singal
Chief United States District Judge

Dated this 2nd day of June, 2004

**JAMES E HOWARD, as Trustee of
Estates of Bangor and Aroostook
Railroad Co. and Van Buren Bridge
Company**

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